



# REFERRAL, ASSESSMENT AND INFORMATION PROVISION TO VICTIMS OF CRIMES

NATIONAL REPORT FOR LITHUANIA



## Acknowledgements

This report was developed in the framework of the European project VICTORIA (Best Practices in Victims' Support: Referrals, Information and Individual Assessment) by the Center for Crime Prevention in Lithuania and Vilnius Institute for Advanced Studies in close cooperation with Victim Support Europe.

Authors:

- Algimantas Čepas
- Odeta Pušinaitytė
- Kotryna Stupnianeck

With the support of:

- Aleksandra Ivankovic, Deputy Director (VSE)
- Alexandra Molitorisova, Policy Assistant (VSE)
- Pamela Dalby, Volunteer (VSE)

This publication has been produced with the financial support of the Justice Programme of the European Union. The contents of this publication are the sole responsibility of the authors and can in no way be taken to reflect the views of the European Commission.

## Chapter 1 - Introduction

Lithuanian criminal law has historically focused on the rights of persons charged with crimes, while the rights of crime victims are covered by legal regulations only episodically. Moreover, it could be said that Lithuania criminal law is based on an understanding that the primary concern of the criminal justice system is to protect the interests of the state and to assure punishment of the guilty. Those who have suffered criminal damage and have been awarded the status of an injured party in criminal proceedings are viewed as having legal obligations to assist the state institutions in establishing "objective truth" in criminal cases, instead of being treated as persons to be given state assistance with their criminal injuries.

The term "victim of crime" is rarely found in Lithuanian legal texts, only "injured-party" is used to denote legal status, i.e. a victim who has been awarded a certain legal standing by pre-trial investigation officer, prosecutor or the court after establishing that harm has been suffered (Criminal Procedure Code, Art. 28, para.1). Some authors note that formal recognition of the criminal harm suffered can be a burdensome procedure, and requires certain effort by the victim and thus the status of the injured party is not easy to acquire.

The needs and rights of victims of crime also lack attention from Lithuanian academia. Since the Criminal Code and Criminal Procedure Code of the Republic of Lithuania entered into force in 2003, research has been initiated with research literature focusing on the issues of compensation of criminal harm suffered; furthermore, the concept of restorative justice has been introduced. However, Lithuanian researchers' interest in the rights and needs of victims of crime can be considered sporadic, and concentrates on the theoretical analysis of legal acts; the practical issues under consideration in this report remain beyond the scope of most of the aforementioned research endeavors.

The Victims' Rights Directive 2012/29/ES was supposed to be a major driver for change in the Lithuanian legal system, and the Republic of Lithuania notified the European Commission that all necessary changes to transpose the Directive 2012/29/EU into law had been made. The Republic of Lithuania informed the EC that 59 national legal acts had been performed as national transposition measures. Unfortunately, most of these are only tangentially (sometimes even to a minimal extent) related to the standing of injured parties in criminal procedure, while some have nothing to do with the transposition of the directive.

Legal norms and instruments to provide support for generic victims of crime are almost non-existent and it could be presumed that the dominating view in Lithuania is to consider victims of crime as a vulnerable social group in need only of general social services. Lithuania has published the Law on Social Services as a transposition measure, but not only does the law fail to establish the assistance to be provided, it also fails to mention victims of crime at all. Thus, it could be stated that support to generic victims of crime is available, in the most general form only, i.e. as that given by social services to all persons in need.

Social services are mostly delivered by municipal institutions (centers of social services or social services departments of municipal administrations), and NGOs (crisis centers and similar entities). The Law on Mental Health Care and the Law on Health Insurance are relevant for provision of the support, they guarantee the right to receive mental health care services. Mental health care services operate either as separate municipal institutions, departments of state and municipal healthcare institutions, NGOs, or private companies. However, the laws are again silent on the subject of victims of crime.

The Republic of Lithuania does not seem to be aware of these laws either – the laws have not been identified to the European Commission as Victims Rights Directive transposition measures. Lithuanian laws are more specific about victims of crime when regulating the provision of free legal aid. The Law on State-Guaranteed Legal Aid has two categories of free legal aid. The primary legal aid (delivery of legal information and drafting of documents, except procedural documents) is supplied by municipal administration lawyers and is free of charge to all municipality residents.

The secondary state-guaranteed legal aid is available from practicing lawyers operating under contracts with the State-Guaranteed Legal Aid Service. This secondary legal aid is free to residents of the Republic of Lithuania and other European Union Member States, who lack the funds to pay for legal assistance and representation. However, the law (Art. 12) establishes that injured parties are given free legal aid irrespective of their property and income a) in cases related to reparation of damages caused by crime, no matter the type of crime, and b) in cases of certain categories crimes (terrorism, human trafficking, domestic violence, sexual crimes, organized crimes, hate crimes) irrespective of whether any damage has been suffered. Finally, the Law on Compensation for Damage Caused by Crimes of Violence is specifically devoted to the rights and interests of victims of crimes.

Although initiatives to establish support services for all victims of crime in Lithuania are rather limited, efforts to provide support for some vulnerable victim groups should be noted. Support for victims of domestic violence is regulated by the Law of the Republic of Lithuania on Protection from Domestic Violence. Accordingly, police refer victims of domestic violence to specialized support centres that provide comprehensive, specialized assistance to victims of domestic violence.

Currently, there are 16 such centres operating on a regional basis. Most centres are NGOs, allocated the role of a specialized support centre after submitting tenders to the Ministry of Social Affairs and Labour every year. Centre activities are regulated by the Minister of Social Affairs and Labour. Support to child victims of crime is handled by the State Child Rights Protection and Adoption Service, under the Ministry of Social Security and Labour (with territorial units in every municipality of Lithuania), and the specialized Centre for the Support of Children Victims of Sexual Abuse (a sub-unit of the children's care home "Užuovėja" in Vilnius).

Recommendations on Identification of Victims of Human Trafficking, Pre-trial Investigation and Inter-institutional Cooperation, approved by the joint order of the Prosecutor General, Minister of the Interior, and Minister of Social Affairs and Labour, in general terms, oblige a number of state institutions to help victims of human trafficking. However the main obligation of state institutions is to refer victims of human trafficking to NGOs, and there is a list of 5 NGOs (Caritas Lithuania, Missing Persons' Families Support Centre, Klaipėda Social and Psychological Services Center, International Organization for Migration (IOM) Vilnius office, Men's Crisis Center) to whom victims should be referred.

Activities of other non-governmental organizations on behalf of victims should also be noted. Since 2015, Vilnius Caritas has run a project focusing on interdisciplinary support for victims of violence and human trafficking. The Children Support Center activities with children victims of crime activities are important. Finally, telephone hotlines ("Youth Line", "Child Line", "Hope Line", "Women's Helpline" and some others) operated by different NGOs (although not specializing in victim support) deserve to be mentioned.

## Chapter 2 - Referral of victims

There is no general referral mechanism for victims of crimes in Lithuania. Some practical arrangements, however, have been established in cases of domestic violence and human trafficking.

According to the Law on Protection from Domestic Violence<sup>1</sup> (Art. 9), on first meeting victims of domestic violence, police officers should immediately notify one of the 16 specialized support centres, and give the centre the victim's details and contact information. Police officers are obliged to notify the victim that he or she will be contacted by the centre, and they must give the person with the phone number for a psychological support service as well as written information on assistance available assistance to victims of domestic violence.

The police are not, however, legally required to ask for the victim's consent (written nor oral) as the law does not allow for the victim to object to the referral. The law requires specialised support centres to immediately contact victims referred by the police and to offer them complex specialized assistance. Police officers must immediately, or no later than the next working day, notify the State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour on every case of domestic violence where the culprit or the victim was a child (children who were present at the scene of domestic violence are expressly acknowledged by the law to have suffered from violence).

The State Child Rights Protection and Adoption Service should immediately contact the child and the child's representative and, after assessing the need, take measures necessary to ensure the best interests of the child.

Recommendations on Identification of Victims of Human Trafficking, Pre-trial Investigation and Inter-Institutional Cooperation of Human Trafficking establish that all institutions have a duty to a) inform a person, who is or may have been harmed by human trafficking, of the availability of support from NGOs to victims of human trafficking and b) to inform an NGO of the case of human trafficking.

The list of NGOs that the victim may be referred to given in the same recommendations. However, the contact data of the victim are transferred from the police to the NGO only when the victim expresses his or her consent for support from the NGO.

<sup>1</sup> Lietuvos Respublikos Apsaugos nuo smurto artimoje aplinkoje įstatymas (Law of the Republic of Lithuania on Protection from Domestic Violence. Official Gazette Valstybės žinios, 2011, No. 72-3475).

The recommendations also state that an NGO representative should be present when the consent of the victim is being sought, except at times when presence of a representative is not possible<sup>2</sup>.

According to a survey, conducted by Buciunas and Velicka (2017), law enforcement agencies inform NGOs and other entities, providing victim support services, as required by the above legal acts. However, communication methods and referral channels are informal and depend on the individual circumstances of each case as well as on the commitment of the officers and service providers involved. Referrals are usually made via emails and phone calls, with limited or no attention to safeguarding the victim's personal data<sup>3</sup>.

Conversely, a more formal approach to referrals can complicate the practical provision of support: the introduction of formal procedures and the bureaucracy associated with referrals can inhibit immediate action. According to victim support services, when making referrals and providing support, it is more efficient for staff to directly contact the police officers than to wait for the police to transfer formal documents to victim support services (2nd interview).

The Law on Protection from Domestic Violence (Art. 9) requires police to provide the specialized support centre with the "minimum data necessary to contact the person who has suffered violence".

Recommendations on Identification of Victims of Human Trafficking, Pre-trial Investigation and Inter-Institutional Cooperation of Human Trafficking requests law enforcement agencies to provide NGOs, to whom the victim is referred, with "particulars of the victim" (para. 31.2.3.).

While these norms protect the victim's confidentiality, they should be further analysed. First, it is unclear as to what data is considered as "particulars" or "necessary to contact the victim". For example, it is not clear if the police should arrange a time for the victim to be contacted by the support centre, e.g. when it is safe for the victim to speak, especially if the victim and the culprit live together.

<sup>2</sup> Prekybos žmonių aukų nustatymo, ikiteisminio tyrimo ir tarpinstitucinio bendradarbiavimo rekomendacijos. Patvirtinta Lietuvos Respublikos generalinio prokuroro, Lietuvos Respublikos vidaus reikalų ministro ir Lietuvos Respublikos socialinės apsaugos ir darbo ministro 2015 m. gruodžio 17 d. įsakymu Nr. I-327/1V-1015/A1-758. TAR, 2015-12-28, Nr. 20631 (Recommendations on Identification of Victims of Human Trafficking, Pre-trial Investigation and Inter-institutional Cooperation. Approved by the Order from December 17, 2015 of the Prosecutor General of the Republic of Lithuania, Minister of the Interior of the Republic of Lithuania, and Minister of Social Affairs and Labour of the Republic of Lithuania No. I-327/1V-1015/A1-758. TAR, 2015, No. 20631).

<sup>3</sup> Bučiūnas G. Velička V. Keitimasis informacija ir tarpinstitucinis bendradarbiavimas tiriant smurto artimoje aplinkoje atvejus. In: Visuomenės saugumas ir viešoji tvarka, 2017, p. 18.



Second, as only a limited amount of information is shared, this could lead to secondary victimization – the victim has to repeatedly re-live unpleasant details with both the police and with specialized support centres. For example, the Code on Criminal Procedure (Art. 186<sup>1</sup>) requests assessments of special protection needs of every injured party to be performed by law enforcement agencies during his or her first interview.

Recommendations on Assessment of Special Protection Measures of Injured Parties approved by the Prosecutor General<sup>4</sup> require a questionnaire to be filled by law enforcement officers to determine special protection needs of victims.

The completed questionnaire form part of the criminal case and is not given to the victim support services. At the same time, the Activity Guide for Specialised Assistance Centres<sup>5</sup> states that support services must complete another questionnaire (“Form on a person who has suffered domestic violence”) when contacting victims for the first time. This questionnaire contains questions the victim has already answered when his or her special protection needs were assessed (data on the abuser, data on the nature of violence suffered, etc.).

Perhaps, the above data could be formally acknowledged to be part of the “minimum data necessary to contact the person who has suffered violence” and thus transferred from the police to specialized support centres when referrals take place.

Regulations on referrals of victims from victim support services to law enforcement institutions are much more specific. Although the Law on Protection from Domestic Abuse does not require specialized support centres to inform the police when victims of domestic violence apply to the centres first, specific norms are established in the Activity Guide for Specialised Assistance Centres. The Guide (para. 8) requests that specialized support centres inform the police whenever a victim of domestic violence applies for support without contacting the police first.

---

4 Rekomendacijos dėl nukentėjusiųjų specialių apsaugos poreikių vertinimo. Patvirtinta Lietuvos Respublikos generalinio prokuroro 2016 m. vasario 29 d. įsakymu Nr. I-63. TAR, 2016-03-01, Nr. 4051 (*Recommendations on Assessment of Special Protection Measures of Injured Parties. Approved by the Order from February 29, 2016 of the Prosecutor General of the Republic of Lithuania No. I-63. TAR, 2016-03-01, No. 4051*).

5 Specializuotos pagalbos centrų veiklos aprašas. Patvirtintas Lietuvos Respublikos socialinės apsaugos ir darbo ministro 2012 m. gegužės 7 d. įsakymu Nr. A1-227. Valstybės žinios, 2012, Nr. 54-2676. (*Activity Guide for Specialised Assistance Centres. Approved by the Order from May 7, 2012 of the Minister of Social Security and Labour No. A1-227. Official Gazette Valstybės žinios, 2012, No. 54-2676*).

The Guide states that such a notification must have the victim’s consent, but does not specify whether consent should be oral or written, nor does it require the victim to be given information on how his or her legal status could change after the police have been informed about his or her case. Consent is waived when the victim is a child as is consent from the child’s representative.

It should be noted that the Recommendations on Identification of Victims of Human Trafficking, Pre-trial Investigation and Inter-institutional Cooperation (para. 30.3) require NGOs to inform law enforcement agencies about every human trafficking case they encounter, even without the victim’s consent; it is enough that NGOs “shall take note of the interests of the victim” when informing law enforcement agencies.

While referrals from police to NGOs are regulated by law, referrals between NGOs are not regulated at all. They do happen, but are dependent on service providers’ resources and discretion. For example, if a victim has not only experienced victimization but also has an addiction, he or she may be referred, and may be accompanied, to a rehabilitation centre for treatment (2<sup>nd</sup> interview, 6<sup>th</sup> interview).

An updated database with all NGOs and their contacts would be helpful for support service providers (6<sup>th</sup> interview). It could be said that, in Lithuania, a referral mechanism for generic victims of crimes is missing, however, certain relevant procedures have been established for victims of domestic violence and human trafficking: these could be adopted to serve interests of victims of other crimes, taking into consideration the shortcomings of the above procedures.

## Chapter 3 - Assessment

According to Article 36<sup>2</sup> of the Code on Criminal Procedure<sup>2</sup>, special protection needs are those of the injured party, determined by his or her personal characteristics as well as the nature and circumstances of the crime. Article 186<sup>1</sup> of the Code on Criminal Procedure states that individual assessments of special protection needs shall be performed in each case and no later than during the first interview with the injured party. The same article foresees the assessment procedure to be followed when a repeat assessment is necessary.

The laws of the Republic of Lithuania say nothing on the assessment of support needs of victims of crime, however, the Activity Guide for Specialised Assistance Centres establishes requirements and rules for the specialized support centres to assess the needs of victims of domestic

violence<sup>6</sup>, and the Recommendations on Identification of Victims of Human Trafficking, Pre-trial Investigation and Inter-Institutional Cooperation of Human Trafficking requires the support needs of victims of human trafficking to be assessed by NGOs before assistance is given to the victims<sup>7</sup>.

Assessments of victims' special protection needs are performed according to the Recommendations approved by the Prosecutor General<sup>8</sup>. The Recommendations consider factors related to the crime (type of the crime, severity of the injuries etc.) and to the victim (relationship with the perpetrator, social environment of the victim, traumatic reactions and other impact of the crime), somewhat haphazardly.

For example, the officer completing the form has a choice of an answer from two options only - whether the perpetrator is aggressive or helpful, or - whether the victim knows the perpetrator personally or not (e.g. without questioning whether they are in constant contact, abide together, etc.).

Furthermore, answers to some questions require expert knowledge: for example, to evaluate traumatic reactions at least some knowledge in psychology of trauma is needed, an average officer is unable to professionally evaluate the emotional state and reactions of the victim. The same applies to the evaluation of children's special needs.

Police officers, themselves, admit to not having the competence to evaluate whether a victim has mental disorders or addiction, to measure whether the emotional reaction of the victim is appropriate, etc. (5<sup>th</sup> interview).

---

6 Specializuotos pagalbos centrų veiklos aprašas. Patvirtintas Lietuvos Respublikos socialinės apsaugos ir darbo ministro 2012 m. gegužės 7 d. įsakymu Nr. A1-227. Valstybės žinios, 2012, Nr. 54-2676. (*Activity Guide for Specialised Assistance Centres. Approved by the Order from May 7, 2012 of the Minister of Social Security and Labour No. A1-227. Official Gazette Valstybės žinios, 2012, No. 54-2676.*)

7 Prekybos žmonėmis aukų nustatymo, ikiteisminio tyrimo ir tarpinstitucinio bendradarbiavimo rekomendacijos. Patvirtinta Lietuvos Respublikos generalinio prokuroro, Lietuvos Respublikos vidaus reikalų ministro ir Lietuvos Respublikos socialinės apsaugos ir darbo ministro 2015 m. gruodžio 17 d. įsakymu Nr. I-327/1V-1015/A1-758. TAR, 2015-12-28, Nr. 20631 (*Recommendations on Identification of Victims of Human Trafficking, Pre-trial Investigation and Inter-institutional Cooperation. Approved by the Order from December 17, 2015 of the Prosecutor General of the Republic of Lithuania, Minister of the Interior of the Republic of Lithuania, and Minister of Social Affairs and Labour of the Republic of Lithuania No. I-327/1V-1015/A1-758. TAR, 2015, No. 20631.*)

8 Rekomendacijos dėl nukentėjusiųjų specialių apsaugos poreikių vertinimo. Patvirtinta Lietuvos Respublikos generalinio prokuroro 2016 m. vasario 29 d. įsakymu Nr. I-63. TAR, 2016-03-01, Nr. 4051 (*Recommendations on Assessment of Special Protection Measures of Injured Parties. Approved by the Order from February 29, 2016 of the Prosecutor General of the Republic of Lithuania No. I-63. TAR, 2016-03-01, No. 4051.*)

Even though the police employ psychologists for some assessments, there are no rules as to when they should intervene, except when juvenile victims and witnesses are questioned (Code on Criminal Procedure, Art. 186, para. 3). It should be noted that legislation does not specify how the assessment results are to be transferred to victim support centres (in cases of domestic violence or human trafficking at least) and thus these forms stay with the pre-trial institutions.

The assessment form is used as a basis for decisions to apply special protection measures. The Recommendations outline special measures related to the pre-trial investigation and court hearings, such as being questioned by a same sex police officer, a specialized officer, or a pre-trial judge; being questioned only once or, if there are repeated interviews, being questioned by the same officer; being interviewed remotely, using audio and video equipment, recording of questionings, interviews conducted in a room suited for children and/or conducted without the participation of the suspect; interviews performed in the presence of a specific specialist; 'closed' court hearings; accompanied by a legal or authorized representative during the trial; guarantees to provide information about the detention, release or escape of the culprit.

However, previous research on implementation of the Directive has found that law enforcement authorities are not always familiar with all possible protection measures, e.g. the right to be accompanied, etc. Some officers worry that special protection measures will interfere with the criminal investigation and thus should be avoided<sup>9</sup>.

The decision whether to apply special protection measures and the choice of the measures themselves, is determined by a pre-trial investigator, or a prosecutor, according to formalized criteria within the recommendations. Every criterion has a predetermined value and is calculated automatically to produce an assessment of high, medium or low risk. If high risk has been identified, the recommendations suggest applying the maximum special protection needs (the victim's consent is not relevant in these cases), while in cases of medium risk, the special measures are applied only if the victim or his/her representative agrees to them.

The recommendations also give some clarity on the special measures to be applied when specific risks are detected.

For example, it is recommended that the (adult) victim (of sexual, domestic abuse, human trafficking and hate crime) has a companion during the trial.

---

9 Bitiukova N., Normantaitė K. VOICIARE - Victims of Crime Implementation Analysis of Rights in Europe. National Report. Lithuania. [https://victimsupport.eu/activeapp/wp-content/uploads/2019/08/VOICIARE\\_National\\_Report\\_Lithuania\\_interactive.pdf](https://victimsupport.eu/activeapp/wp-content/uploads/2019/08/VOICIARE_National_Report_Lithuania_interactive.pdf)

However, it is not clear to which criteria officers pay the most attention, how they make a decision to offer special protection measures, or how they inform the injured party.

Overall, the guide is redundant and makes the assessment of protection needs difficult and open to differing interpretations in its application. Some specialized victim support centres hold the view that assessments of special protection needs should not be conducted by the police since visible signs of domestic violence tacitly signal an increased risk, which demonstrates that the victim has special protection needs (9, 12<sup>th</sup> interview).

Although not requested by the Law on Protection from Domestic Violence, the specialized support centres perform individual assessments of support needs for victims of domestic violence during their first contact with victims. The Activity Guide for Specialised Assistance Centres asks specific closed-ended questions on the gender, education, social-economic status, economic independence, family status, children of the victim. However, the questionnaire covers topics in the assessments of special protection needs carried out by the police (data on violence suffered, data on the perpetrator): this could potentially lead to secondary victimization.

The Activity Guide for Specialised Assistance Centres also contains an exemplary (though not obligatory) plan for theme-based conversations with the victim: how does the victim feel, has he or she been injured? how long have victim and perpetrator lived together? how long has the victim suffered violence? were children present? are the victim and the perpetrator employed? who owns the property in which the victim and the perpetrator live? has the victim contacted the police before? has the victim already spoken to the police? what does the victim think about lawsuit? what are the victim's plans about the case? The other themes covered are the circle of violence and empowerment, assessment of risks for health and life, resources that the victim possesses (place to live, employment, income, education, maternity benefits, etc.), the need for legal or psychological assistance, etc.

A major problem with the above assessment of victims' support needs is that it is usually carried out by telephone, which makes it difficult to establish the actual needs of victims, without direct contact. Practitioners also acknowledge that, even when assessments reveal certain victims' needs, the services available to victims of domestic violence are rather

limited and thus it is tricky to ask questions knowing that relevant assistance is unavailable. Recommendations on Identification of Victims of Human Trafficking, Pre-trial Investigation and Inter-Institutional Cooperation of Human Trafficking (para 30.2) also request victim support NGOs to assess the individual needs of referred victims, briefly stating that the victim's "problems and social situation" shall be assessed.

Primary state guaranteed legal aid (see page 3) could be considered a means of assessing the legal needs of victims. The law establishes a rather bureaucratic procedure to receive secondary legal aid and, usually, support from the providers of primary legal aid is needed to receive secondary legal aid, but there are certain practical issues to be considered. First, there are no established procedures for law enforcement officials to refer injured parties to providers of secondary legal aid, and it is not unusual for officials to fail to inform injured parties about this right. Second, the law establishes that everyone has the right to apply for primary legal aid, once and for a single issue.

Therefore, if a victim applies for primary legal aid before reporting an offence to the police (e.g. when a victim is reluctant to admit that he or she has suffered from a crime) and receives advice from the primary legal aid providers to aim for status of an injured party first, the victim loses the right of further primary legal aid when seeking secondary legal aid. However, primary legal aid providers tend to be flexible in these cases and support in requesting secondary legal aid is usually given. Finally, the quality of both primary and secondary legal aid is questioned in practice and theory, although no specific analyses in this regard have been carried out in Lithuania.

## Chapter 4 - Information

The Code on Criminal Procedure petitions judges, prosecutors, and judges to explain procedural rights to all involved in criminal procedures, both in the pretrial phase (Art. 45) and the court hearing (Art. 268). The code also specifically states that the rights and duties of injured parties will be explained to them, prior to the pre-trial phase of the procedure (Art. 18, para. 1): the right to give evidence in their native language and to have access to an interpreter when questioning takes place in a language that the injured party does not understand; the right to access court records as well as to amend and modify them; the right to request audio and video recordings of the proceedings; the right to provide written answers to questions; the right to ask for special protection measures; the right to receive expenses as a result of participating in the trial and to cover fees incurred for a representative (Art. 81).



Additionally, the Code of Criminal Procedure (Article 28 para. 2) establishes that every injured party has the right to receive information on the status of the criminal process, to submit applications, to ask questions, to petition the pre-trial investigation officer, prosecutor or judge as well as appeal against their decisions and the sentence, to request dismissal of pre-trial investigation officer, prosecutor or judge, to participate in assessments for special protection needs, to participate at a trial and to make a closing speech, to become familiar with the case and its files during the pre-trial investigation as well as the trial.

Article 46 paragraph 2 of the Code on Criminal Procedure states that when an injured party has suffered harm as a result of a violent crime, the pre-trial investigation officer or prosecutor must immediately inform the injured party about the right to receive compensation from the Crime Victims Fund.

Article 128 paragraph 4 of the Code on Criminal Procedure states that the prosecutor or pre-trial investigation officer must notify the injured party of the detention of the suspect (the latter requirement will not be applied when such a notification may harm the suspect) and ascertain whether the injured party wishes to be informed about the future release or escape of the suspect from detention.

Similarly, Article 308 paragraph 5 of the Code on Criminal Procedure states that when the culprit is sentenced to arrest or imprisonment, the court must determine whether the injured party wishes to be informed of the future release or escape of the sentenced person (again the latter requirement will not be applied when such a notification may harm the sentenced).

However, there are no provisions under Lithuanian legislation that require information to be given to injured parties in a user-friendly language, taking into account the age, maturity, intellectual and emotional capacity, literacy and any other mental or physical impairments victims may have. Although the Code on Criminal Procedure quite often uses the term “understandable language”, the meaning of the term is limited to the notion that persons who do not understand Lithuanian, will be informed in a language they understand.

On the other hand, regulations regarding the provision of information in a language that victims understand is successfully applied in practice. Most practitioners can provide information in Russian or Polish, as well as Lithuanian. Support service providers interviewed, said there were no problems in providing information in other languages.

The only problem noted was a lack of leaflets in other languages (1, 6, 7, 13, 8<sup>th</sup> interviews). The provision of information for individuals with mental disabilities, however, is flawed<sup>10</sup>.

The National Court Administration homepage [www.teismai.lt](http://www.teismai.lt) has information for victims of crime. There is an animated video of the court hearing, showing the whole court process from different perspectives (witness, victim, defendant) allowing visitors to understand how the process works, what participants are asked for, etc. National Court Administration brochures, with information on court proceedings, the rights of injured parties and witnesses, and other topics, are widely available in the courts. Volunteers operate in 10 courts across Lithuania to provide information to the injured parties and witnesses in an easily understandable way. Lithuanian NGOs are also active in filling the gaps in the provision of information.

A manual for police officers on use of communication methods with victims of crime, published by the Human Rights Monitoring Institute, should be mentioned. One of the manual sections is specifically dedicated to giving information to victims in a clear, comprehensive way. The HRMI has an online page [www.nukentejusiems.lt](http://www.nukentejusiems.lt) with information for victims of crime. The page provides general information about crime and being a victim, information of available assistance – legal, psychological, social – as well as specialized assistance for victims of domestic violence, human trafficking, and crimes against children. The web page is currently available only in Lithuanian, however, its availability in other languages is planned (English, Russian and Polish).

The online training platform created by the Human Rights Monitoring Centre, [www.be-ribu.lt](http://www.be-ribu.lt) is also worthy of note. It provides online training for people working with victims of crime, allowing better familiarization with victims’ rights and needs, as well as better skills in communicating with victims in a respectful, informative and supportive manner.

The Children Support Centre leads a “Childhood without Violence” program. This program focuses on support for abused children. Its webpage <http://www.vaikystebesmurto.lt/> provides information about abuse, protection measures, children’s rights, reporting a crime, criminal and court procedures and how to prepare for them etc. All information is provided in a child friendly easily understandable way.

---

<sup>10</sup> Juodkaitė D. Asmenų, turinčių proto ir/ar psichosocialinę negalią procedūrinių teisių stiprinimas baudžiamojoje teisėje:Lietuvos situacijos analizė. *Strengthening the rights of people with psycho-social disabilities in the criminal procedure:Analysis of the situation in Lithuania.* 2017



The same information is provided separately for parents and professionals. The centre circulates flyers with easy to read information about children's rights, and the pre-trial investigation and its actors.

Information provided online is convenient, easily updated and has a wide reach. However, it only reaches a digitalized society. Small towns and villages have less access to the digital highway and there are some places that don't even have a telephone signal. Community police officers mentioned using local newspapers to reach people living in these areas. (11<sup>th</sup> interview).

## Chapter 5 - Existing practices

In addition to the work of specialized support centres for victims of domestic violence, and NGOs providing support to victims of human trafficking (described above), other important non-governmental projects and practices should be mentioned. Victim support organizations are establishing good relationships with the police, which was referred to during interviews with the victim support providers. As bureaucracy and complex formal referral methods can interfere with the provision of support, immediate and direct contact with police makes the referral process more efficient.

The Children Support Center's work with child victims of crime is highlighted. The program "Childhood without Violence" run by the center contains psychological, social, psychiatric, and legal support to children who have suffered violence and to their relatives. The center's specialists are on hand to give children and their legal representatives advice when preparing for different legal procedures and to participate when children are interviewed during criminal procedures<sup>11</sup>.

As well as other forms of assistance, the center provides emotional support, individual, group and family psychological counseling to both children and their parents, and training for children and parents (e.g. training on safety methods for children aged 7 to 14 years is an example).

Another practice worthy of note, was implemented on a regional basis in Northern Lithuania (Kupiškis) and aims to prevent domestic violence. Professionals from various fields - police, researchers from Vilnius University, psychologists, social workers, doctors - came together to educate and raise community awareness of domestic violence. Coordinated by the police, an educational program in the form of open lectures was introduced to 24 communities and has been acknowledged as one of the most successful initiatives in Lithuania (11<sup>th</sup> interview). ■

---

11 Paramos vaikams centras. <http://www.vaikystebesmurto.lt/>